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Board of Vocational Nursing  
and Psychiatric Technicians

EDMUND G. BROWN JR.  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General  
ASPASIA A. PAPA VASSILIOU  
Deputy Attorney General  
State Bar No. 196360  
1515 Clay Street, 20th Floor  
P.O. Box 70550  
Oakland, CA 94612-0550  
Telephone: (510) 622-2199  
Facsimile: (510) 622-2270  
E-mail: Aspasia.Papavassiliou@doj.ca.gov  
*Attorneys for Complainant*

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-2026

**DEMETRYA MULLENS, a.k.a.  
DEMETRYA D. MULLENS and  
DEMETRYA DORIS MULLENS**  
175 Brompton Avenue  
San Francisco, CA 94131-3205

**A C C U S A T I O N**

**Vocational Nurse License No. 115165**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about May 4, 1983, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 115165 to Demetrya Mullens, also known as Demetrya D. Mullens and Demetrya Doris Mullens (Respondent). The license was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on June 30, 2011, unless renewed.

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1 FACTS

2 9. In December 2009, while working as licensed vocational nurse for the City and  
3 County of San Francisco Department of Public Health, in Jail Health Services, at County Jail No.  
4 5, Respondent tampered with a patient's medication and failed to perform job duties to obtain  
5 blood specimens from patients. The circumstances are described in paragraphs 10 and 11, below.

6 10. On December 13, 2009, Respondent overheard two registered nurses in the  
7 medication room discussing an asthmatic patient. One of the nurses was holding an Albuterol  
8 Inhaler nebulizer breathing treatment she was planning to administer to the patient. Respondent  
9 took the inhaler out of the nurse's hand, emptied its contents into the sink, filled the container  
10 with water, and handed it back to the nurse, saying, "This is what you give him"—or a statement  
11 to that effect.

12 11. On or about December 15, 2009, Respondent failed to take required blood specimens  
13 from patients. Respondent was required to draw blood from six patients during her shift and  
14 documented attempts to draw blood from two of the patients, but neglected even to attempt to  
15 draw blood from the other patients, or to inform the charge nurse that she had failed to complete  
16 the assignment.

17 FIRST CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct: December 13, 2009 Tampering With Medication)

19 12. Respondent is subject to disciplinary action under Code section 2878, subdivision (a),  
20 and California Code of Regulations title 16, section 2518.5, subdivisions (b) and (c), in that she  
21 committed unprofessional conduct by failing to adhere to ethical or behavioral standards of  
22 professional practice. The circumstances are that she tampered with a patient's medication, as set  
23 forth in paragraph 10, above.

24 SECOND CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct: December 15, 2009 Neglect of Job Duties)

26 13. Respondent is subject to disciplinary action under Code section 2878, subdivision (a),  
27 and California Code of Regulations title 16, section 2518.5, subdivisions (b) and (c), in that she  
28 committed unprofessional conduct by failing to adhere to ethical or behavioral standards of

1 professional practice. The circumstances are that she neglected to perform her job duties to  
2 obtain blood specimens from patients, as described in paragraph 11, above.

### 3 DISCIPLINE CONSIDERATIONS

4 14. To determine the degree of discipline to be imposed, Complainant also makes the  
5 allegations set forth in paragraph 15 through 20, below.

6 15. Respondent was fired from her position as a licensed vocational nurse with the City  
7 and County of San Francisco Department of Public Health, in Jail Health Services, effective on or  
8 around March 26, 2010, for the conduct described in paragraphs 10 and 11, above.

9 16. Respondent's personnel file at Jail Health Services contained the following  
10 disciplinary actions:

11 ·October 30, 2009 – 30 Days Suspension – Excessive Sick Leave;  
12 ·April 13, 2009 – 15 Days Suspension – Excessive Sick Leave, Unprofessional Conduct;  
13 ·October 10, 2008 – Written Warning – Inattention to Duty: Failure to Draw Lab Specimen;  
14 ·September 24, 2008 – Written Warning – Excessive Sick Leave;  
15 ·June 16, 2005 – Written Warning – Unprofessional Conduct;  
16 ·March 3, 2005 – Written Warning – Excessive Sick Leave;  
17 ·October 25, 2000 – Written Warning – Inattention to Duty: Rude, Intemperate Language;  
18 ·March 29, 2000 – Written Warning – Inattention to Duty: Breach of Security; and  
19 ·December 31, 1996 – Written Warning – Inattention to Duty: Administering Medication  
20 Without Verifying Identity of Inmate; Failure to Verify Ingestion of Medication; and Refusal to  
21 Follow Supervisor's Direction.

22 17. In addition to the discipline described in paragraph 16, above, Respondent received  
23 counseling memos during her employment at Jail Health Services, as follows:

24 ·December 21, 2006 – Omission of Administrative Segregation Assignment;  
25 ·November 7, 2005 – High Risk Documentation Omission;  
26 ·July 13, 2005 – Medication Error;  
27 ·April 20, 2005 – Not Following Chain of Command;  
28 ·June 26, 2004 – Spreading Malicious Rumor About Another Staff Member;

·December 16, 1998 – Obstruction of Patient’s Care; and

- October 10, 1996 – Breach of Security.

18. Respondent's personnel file at Jail Health Services also contained approximately 25 written grievances, made against her by patient inmates, from on or around January 30, 2008 through on or about October 16, 2009. With the exception of a grievance for an incident on January 12, 2009, which was documented by a sheriff's deputy and formed part of the basis for Respondent's April 13, 2009 suspension, the grievances did not result in any formal disciplinary action against Respondent.

19. In addition to the grievances described in paragraph 18, above, Respondent's personnel file at Jail Health Services contained a written complaint against her, dated January 23, 2005, by a sheriff's deputy, and a written complaint against her, January 26, 2005, by a registered nurse. Both the complaints accused Respondent of intentionally making false statements in order to create friction among staff.

20. The documents described in paragraphs 16 through 19, above, are incorporated in this Accusation as if fully set forth.

PRA YER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

1. Revoking or suspending Vocational Nurse License Number 115165, issued to Demetrya Mullens, also known as Demetrya D. Mullens and Demetrya Doris Mullens;

2. Ordering Demetrya Mullens, also known as Demetrya D. Mullens and Demetrya Doris Mullens, to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: November 22, 2010



TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
*Complainant*

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